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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PHILLIPS, HASSAN A	
ART UNIT	**PAPER NUMBER**
2151	

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No.	Applicant(s)	
	09/735,427	HOLDEN ET AL.	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information Disclosure Statement received on December 12, 2000, has been received and considered by the examiner.

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference sign 66, on page 14, line 33. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 11, 21, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brady U.S. patent 6,226,287.

3. In considering claim 1, Brady teaches a method for interacting with a link server, the method comprising:

a) receiving a call placed from a user to a link server, (col. 2, lines 19-25);

b) sending a dynamic request to the link server to determine call handling time, such as position in a queue, (col. 9, lines 25-37);

c) returning queue information from the link server to the user, (col. 9, lines 37-39).

4. In considering claims 11 and 21, Brady teaches an automatic call distributor (ACD), said ACD comprising:

a) at least one link server 105, (see fig. 10)

b) means, responsive to receiving a call placed from a user to a link server, for placing the user call in a queue, (col. 2, lines 66-67, col. 3, lines 1-3);

c) means, responsive to a user request subsequent to placing the call, for dynamically determining call handling time, such as position in a queue, (col. 9, lines 25-37);

d) means for transmitting the queue information from the link server to the user, (col. 9, lines 37-39).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 7, 8, 10, 12, 17, 18, 20, 22, 27, 28, 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Burg et al. (hereinafter Burg) U.S. patent publication 2003/0061354.

3. In considering claim 2, although the method of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) sending the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

a) sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the request, sent to the link server, utilize SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the link server, Burg, page 5, paragraph 100.

4. In considering claim 7, the method of Brady further teaches:

a) utilizing a client from a data communications network for establishing a call with a link server, the link server being within a PSTN and comprising a means for converting the data communication message to a PSTN message, (col. 5, lines 38-41).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) utilizing an SIP based client for establishing the call with the link server.

Nevertheless, the method of Burg teaches:

a) utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the client in the data communications network be an SIP based client. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the link server, Burg, page 5, paragraph 100.

5. In considering claim 8, the method of Brady further teaches:

   a) a link server being a data communications based client, and the user within a PSTN, the link server comprising a means to convert data communication messages to PSTN messages for the user, (col. 5, lines 50-52).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

   a) the link server being an SIP based client.

Nevertheless, the method of Burg teaches:

   a) a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client

that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

6. In considering claims 10, 20, and 30, Brady teaches a method for interacting with a link server, the method comprising:

a) receiving a call placed from a user to a link server 105, (see fig. 10);

b) the user call being placed in a queue while awaiting to be connected with a line agent, (col. 2, lines 66-67, col. 3, lines 1-3);

c) sending a dynamic request to the link server to determine call handling time, such as position in a queue, (col. 9, lines 25-37);

d) transmitting the queue information from the link server to the user, (col. 9, lines 37-39).

Although the method of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) sending the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

a) sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order

to have the request, sent to the link server, utilize SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the link server, Burg, page 5, paragraph 100.

7. In considering claims 12 and 22, although the method of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) receiving the request via Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising:

a) receiving a request at a gateway 160, wherein the request was received via SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server receive the request via SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the link server, Burg, page 5, paragraph 100.

8. In considering claims 17 and 27, the method of Brady further teaches:

a) utilizing a client from a data communications network for establishing a call with a link server, the link server being within a PSTN and comprising

a means for converting the data communication message to a PSTN message, (col. 5, lines 38-41).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) utilizing an SIP based client for establishing the call with the link server.

Nevertheless, the method of Burg teaches:

a) utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the client in the data communications network be an SIP based client. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the link server, Burg, page 5, paragraph 100.

9. In considering claim 18 and 28, the method of Brady further teaches:

a) a link server being a data communications based client, and the user within a PSTN, the link server comprising a means to convert data communication messages to PSTN messages for the user, (col. 5, lines 50-52).

Although the method of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) the link server being an SIP based client.

Nevertheless, the method of Burg teaches:

a) a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Brady in order to have the link server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

10. Claims 3, 5, 6, 15, 16, 25, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Kelly U.S. patent 5,999,965.

11. In considering claim 3, the method of Brady further teaches:

a) the link server offering a callback option, (col. 2, lines 48-51).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Kelly teaches an ACD server for computer telephony communications comprising:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature that may be used to call back a user when the link server has determined priority based on a number of times that the user has called and an accumulated wait time. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

12. In considering claim 5, although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, the method of Kelly teaches:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded information to credit the user with the

time the user has waited, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature that may be used to credit a user, who terminated a call before being transferred to a live agent, with an appropriate amount of time the next time the user calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

13. In considering claim 6, although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, the method of Kelly teaches:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57);

b) a call prioritizing feature that prioritizes users within a queue depending on how much time a user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded abandoned call information to prioritize the user within a queue, the next time the user calls back. Thus, given the

teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live agent, calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

14. In considering claims 15 and 25, although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, the method of Kelly teaches:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded information to credit the user with the time the user has waited, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature that may be used to credit a user, who terminated a call before being transferred to a live agent, with an appropriate amount of time the next time the user calls back. This

would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

15. In considering claims 16 and 26, although the disclosed system of Brady shows substantial features of the claimed invention, it fails to explicitly disclose:

a) tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, the method of Kelly teaches:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57);

b) a call prioritizing feature that prioritizes users within a queue depending on how much time a user has been on hold, (col. 21, lines 54-67, col. 22, lines 1-2).

Although not expressly stated, it would have been obvious to a person, at the time of the present invention, to use the recorded abandoned call information to prioritize the user within a queue, the next time the user calls back. Thus, given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady to have the link server maintain an abandoned call tracking feature, and a call prioritizing feature that may be used to prioritize a user within a queue when the user, who initially terminated a call before being transferred to a live

agent, calls back. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

16. Claims 4, 9, 14,19, 21, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Korilis et al. (hereinafter Korilis) U.S. patent 6,335,744.

17. In considering claim 4, the method of Brady further teaches:

a) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) pushing web content from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

a) pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push web content to the remote user. This would have kept the user occupied while waiting in queue at the link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

18. In considering claim 9, the method of Brady further teaches:

a) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) pushing games from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

a) pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push games to the remote user. This would have kept the user occupied while waiting in queue at the link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

19. In considering claims 14 and 24, the system of Brady further teaches:

a) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) pushing web content from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

a) pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push web content to the remote user. This would have kept the user occupied while waiting in queue at the link server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

20. In considering claims 19 and 29, the method of Brady further teaches:

a) pushing messages from the link server to the user, (col. 2, line 67, col. 3, lines 1-3).

Although the disclosed system of Brady shows substantial features of the claimed invention, it fails to expressly disclose:

a) pushing games from the link server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising:

a) pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady, to have the link server push games to the remote user. This would have kept the user occupied while waiting in queue at the link

server, and would also help companies advertise to the user while the user is waiting, Korilis, col. 2, lines 32-45.

21. Claims 13, 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady in view of Burg, and further in view of Kelly.

22. In considering claims 13 and 23, the method of Brady further teaches:

a) the link server offering a callback option, (col. 2, lines 48-51).

Although the disclosed system of Brady in view of Burg shows substantial features of the claimed invention, it fails to explicitly disclose:

a) calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Kelly teaches an ACD server for computer telephony communications comprising:

a) an abandoned call tracking feature for recording the amount of time a user has waited before abandoning a call, and transferring the information to an agent for callback, (col. 20, lines 53-57).

Given the teachings of Kelly, it would have been apparent to one of ordinary skill in the art to modify the teachings of Brady and Burg, to have the link server maintain an abandoned call tracking feature that may be used to call back a user when the link server has determined priority based on a number of times that the user has called and

an accumulated wait time. This would make the link server more robust, and would facilitate a users desired interaction with an agent, Kelly, col. 10, lines 60-63.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brady, U.S. Patent 6,226,287, discloses a system and method for web-based interaction with an ACD.

Burg et al., U.S. Patent publication 2003/0061354, discloses a system and method for web-based interaction with and ACD using the SIP protocol.

Kelly, U.S. Patent 5,999,965, discloses various functions of an ACD.

Korilis et al. U.S. Patent 6,335,744, discloses pushing a game from a server to a user over the Internet.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP
3/23/04

FRANTZ B. JEAN
PRIMARY EXAMINER